

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 21-48677

KAMIA WEST,

Chapter 7

Debtor.

Judge Thomas J. Tucker

/

ORDER DENYING MOTION FOR REINSTATEMENT

This case is before the Court on the Debtor's motion entitled "Debtor's Motion to Reinstate Case and Rescind Order Barring The Debtor From Filing Future Cases" (Docket # 28, the "Motion"), which the Court construes as a motion for reconsideration of, and for relief from, the Court's February 10, 2022 Order dismissing this case (Docket # 27). The Court will deny the Motion, for the following reasons.

First, the Court finds that the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See Local Rule 9024-1(a)(3)*.

Second, the allegations in the Motion do not establish excusable neglect under Fed. R. Civ. P. 60(b)(1), Fed. R. Bankr. P. 9024, or any other valid ground for relief from the order dismissing this case.

Third, the Motion says that the Debtor's attorney is at fault for the Debtor's failure to pay the overdue filing fees for this case (Case No. 21-47209) and the Debtor's prior case by the February 8, 2022 deadline set by the Court. But any neglect or mistake by the Debtor's attorney must be deemed attributable to the Debtor, for purposes of determining whether there was excusable neglect or mistake. *See, e.g., In re Peek*, 614 B.R. 274, 276 (Bankr. E.D. Mich. 2020) (citation omitted). In this case, the type of neglect or mistake by the Debtor's attorney alleged in the Motion is not "excusable." *See, e.g., id.* at 276-77 (citations omitted).

Fourth, now that the Debtor has finally paid the overdue filing fees for this case and for her prior case (albeit only after this case was dismissed), the Debtor is no longer barred from filing a new bankruptcy case.

Accordingly,

IT IS ORDERED that the Motion (Docket # 28) is denied.

Signed on February 11, 2022



/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**